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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:
CALONGE, Cynthia

SERIAL NO. 09/637,053

FILED: August 11, 2000

**TITLE: METHOD FOR PROVIDING
ONLINE SUBMISSION OF REQUESTS
FOR PROPOSALS FOR FORWARDING TO
IDENTIFIED VENDORS**

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ATTY DKT NO. 22554.2

GROUP ART UNIT: 2761

EXAMINING ATTORNEY:
(TBA)

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Assistant Commissioner of Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

PETITION TO MAKE SPECIAL - 37 C.F.R. § 1.102, MPEP 708.02(II)

Dear Sir:

This is a Petition to Make Special under 37 C.F.R. § 1.102 to advance the above-referenced application out of turn on the basis of the existence of actual infringement of the claims now pending in the application. In compliance with 37 C.F.R. § 1.102 this Petition is accompanied by a statement made by the undersigned registered patent attorney and the Petition fee specified under 37 C.F.R. § 1.17(i). Copies of the references deemed most closely related to the subject matter encompassed by the claims in the present application and referenced in the statement by the attorney of record are included herewith.

Statement by Attorney

The undersigned Registered Patent Attorney hereby states the following with respect to the above-referenced U.S. Patent Application:

- (a) There is an infringing method in use in the relevant market;
- (b) a rigid comparison of the alleged infringing method with the claims of the present application has been made and in the undersigned's opinion, some of the claims are unquestionably infringed; and

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- (c) the undersigned has made or caused to be made a careful and thorough search of the prior art, the results of which are summarized and attached hereto.

Specifically, the undersigned is aware of at least two websites currently operable and available on the World Wide Web that utilize a method for establishing and initiating a transaction between purchasers and vendors according to the method steps described and claimed in at least Claim 1 of the present application. Applicant has endeavored to streamline the prosecution of the present application by submitting only three (3) claims comprising a single independent claim and two dependent claims. The independent claim (Claim 1) is drawn very specifically to the invention believed patentable over the prior art in this case.

Further, the applicant has caused a search of the relevant prior art to be carried out and herewith submits the results of the same. Although applicant is aware of the implementations of the same or similar methods of doing business (such as the infringing websites described above), each of these implementations has, to applicant's knowledge, only been implemented subsequent to the filing of the Provisional Patent Application (on November 6, 1999) to which this application claims priority.

Conclusion and Petition

Applicant respectfully requests that the above-referenced application be advanced out of turn for examination on the basis of the existence of actual infringement in the market. Should any further clarification or evidence be necessary in order to decide on the merits of this Petition, Applicant requests that the Petition's Examiner contact the undersigned attorney.

Respectfully submitted,
COX & SMITH INCORPORATED

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Date: 12/28/2000

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ATTORNEYS FOR APPLICANT

Summary Listing of Patents
(Search carried out primarily in Class 705)

Patent No.	Issue Date	First Name on Patent	Title
4,799,156	01/17/89	Shavit, Eyal	Interactive Market Management System
5,592,375	01/07/97	Salmon, Bardwell C.	Computer-Assisted System for Interactively Brokering Goods and Services Between Buyers and Sellers
5,694,551	12/02/97	Doyle, John D.	Computer Integration Network for Channeling Customer Orders Through a Centralized Computer to Various Suppliers
5,758,327	05/26/98	Gardner, Ben D.	Electronic Requisition and Authorization Process
5,802,493	09/01/98	Sheflott, Leonard J.	Method and Apparatus for Generating a Proposal Response
5,970,475	10/19/99	Barnes, Robert L.	Electronic Procurement System and Method for Trading Partners
6,085,169	07/04/00	Walker, Jay S.	Conditional Purchase Offer Management System

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